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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,870	01/09/2006	Fujio Mizukami	284468US0PCT	1923
22850	7590	08/04/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BRUNSMAN, DAVID M	
			ART UNIT 1793	PAPER NUMBER
			NOTIFICATION DATE 08/04/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10563870	1/9/06	MIZUKAMI ET AL.	284468US0PCT

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EXAMINER

David M. Brunsman

ART UNIT	PAPER
1793	20080303

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attachment.

/David M Brunsman/
Primary Examiner, Art Unit 1793

Art Unit: 1793

Applicant's amendment and argument filed 12 November 2007 have been carefully considered. In the response applicant argues examiners holding that the amendment filed effectively cancels all of the elected claims. Applicant argues that original claims 21-30 were drawn to a composition comprising a zeolite as well as surfactants, buffers etc. Applicant's arguments are not persuasive. The restriction requirement of 17 November 2006 does describe the claims of group IV, claims 21-30 as "drawn to protein refolding agents comprising zeolite, surfactants, buffer etc." but, does not explicitly construe the metes and bounds of the instant claims, i.e. does not examine the claims for patentability with respect to 35 U.S.C. 112 or any other section. Furthermore, it is unclear how group IV could have differentiated from the claims of 9-20 reciting combinations of zeolite beta, denaturant, regulator, etc. unless group was to be construed as directed to zeolite beta *per se*. The non-final office action of 19 March 2007 does examine the claims with respect to patentability. In the comparison to the prior art and rejection of claim 20-31 over US Re 28341, the examiner authoritatively construes the instant claims as drawn to the zeolite beta *per se*. Applicant has received a complete office action treating the invention of a refolding *agent* as specific forms of zeolite beta as that agent.

The holding that claims requiring the presence of compounds in addition to zeolite beta agent is affirmed. All outstanding claims remain directed to inventions not readable on the elected invention.

The one month time period set in the office action of 12 October 2007 continues to run. Extensions of this time period are available under 37 C.F.R. 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Brunsman whose telephone number is 571-272-1365. The examiner can normally be reached on M, Th, F, Sa; 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1793

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David M Brunzman
Primary Examiner
Art Unit 1793

DMB

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